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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,370	11/14/2003	Jordan S. Bruntz	P06087US0	1594

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EXAMINER

OMGBA, ESSAMA

ART UNIT	PAPER NUMBER
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3726

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/713,370

Applicant(s)

BRUNTZ ET AL

Examiner

Essama Omgba

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1 and 3-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fumagalli (EP 0 806 714).

With regards to claims 1, 3, 4, 8, 11, 14 and 15, Fumagalli discloses an appliance and a method of assembling appliances wherein a base unit of an appliance is used to form different models by the use of a control panel comprising a plurality of open electrical contacts that can be closed selectively and thus create different models of an appliance from a base unit; see column 1, lines 52-58, column 2, lines 1-20, column 4, lines 7-20 and the abstract. Although Fumagalli does not provide a plurality of control consoles but rather a single console with interchangeable keys so as to produce different models of the appliance, however it would have been obvious to one of ordinary skill in the art at the time the invention was made that the single console with interchangeable keys of Fumagalli is structurally equivalent to the plurality of consoles claimed by Applicant, see column 1, lines 43-48 which reads as follows: "As an alternative, but in an even costly manner, it is possible to provide different versions of the circuit board (consoles) on which the altering push-buttons are mounted". Thus it is known to use different consoles to create different models of appliances from a base unit. It then appears that Fumagalli's appliance and method are an improvement over Applicant's claimed invention of providing different versions of the control console.

Fumagalli's single console with interchangeable keys is advantageous in that it lessens the cost of manufacturing different models of the same appliance.

With regards to claims 5-7 and 9-11 and 13, Fumagalli discloses a method of assembling appliances as shown above except for the console mounting being done at a retail establishment, by an appliance dealer, at the purchaser's home, by a dealer representative or at a regional warehouse. However it would have been obvious to one of ordinary skill in the art at the time the invention was made that having the mounting of the console done at a retail establishment, by an appliance dealer, at the purchaser's home, by a dealer representative or at a regional warehouse is an obvious matter of design choice wherein no stated problem is solved or unexpected results obtained in having the control console mounted in one place or another. Applicant should note that the types of appliances disclosed are not typically self-installed type of appliances. They are typically delivered and installed by professionals (dealer representatives) at the purchaser's home and the appliances typically come assembled to a degree where transportation to the purchaser's home would be done safely without damaging the appliances. Delicate parts that could be damaged during delivery are typically installed at the purchaser's home. Furthermore in Fumagalli's method, the end user "changes" the console simply by inserting a particular key instead of replacing the whole console.

Response to Arguments

3. Applicant's arguments filed October 13, 2006 have been fully considered but they are not persuasive.

Art Unit: 3726

In response to applicant's argument that Fumagalli does not disclose a plurality of consoles, the examiner respectfully disagrees. As outlined in the above rejections, Fumagalli discloses that it is known to use different consoles to create different models of appliances from a base unit, but recognizes that such approach is costly, thus the improvement of a single console with interchangeable keys, see column 1, lines 43-48. In response to Applicant's argument that in Fumagalli, the end user does not change or replace the console, the examiner once again submits that it is inherent that when would have to change the console when a plurality of consoles are provided to create different models of appliances from a base unit as taught by Fumagalli.

In response to Applicant's argument that Fumagalli does not teach a first electrical component that is not electrically connected to the first console, the examiner respectfully disagrees. Fumagalli clearly teaches that the console includes a plurality of open electrical contacts, which is equivalent to *not electrically connected*, and the open contact can be selectively closed to produce a given model, which is equivalent to the control console being *connected to selected electrical components in the base unit*.

In response to Applicant's argument that Fumagalli does not disclose upgrading the appliance by removing the first selected console and mounting a second selected console having additional features, the examiner submits that it has been shown that the console of Fumagalli with interchangeable keys is structurally equivalent to the plurality of consoles and as such upgrading the appliances by interchanging keys on a console as taught by Fumagalli is structurally equivalent to changing consoles in order to upgrade the appliance.

Art Unit: 3726

In view of the above remarks, the examiner maintains that a prima facie case of obviousness has been established in the instant application.

Conclusion


4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Essama Omgba
Primary Examiner
Art Unit 3726

eo
December 23, 2006